

RESOLUTION NO. 11-77

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA REQUESTING THAT THE TRUSTEE OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, CONVEY TO THE CITY OF HIALEAH THROUGH LEASE, EASEMENT, DEED OR OTHER INSTRUMENT, CERTAIN PORTIONS OF TRACTS 31, 28 AND 44 OF THE FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, ALL LOCATED IN SECTION 9, TOWNSHIP 52 SOUTH, RANGE 40 EAST.

WHEREAS, in order for Miami-Dade County to be issued its recent consumptive use permit, the State of Florida Department of Environmental Protection and the South Florida Water Management District (the "Water Agencies") required that Miami-Dade County shall use alternative water sources and supplies in order to increase its water production to serve future residents of Miami-Dade County;

WHEREAS, the use of water from the Floridan Aquifer was deemed by the Water Agencies to be an acceptable alternative water supply source, the use of which as an alternative to the existing Biscayne Aquifer sources will provide a significant public benefit, including to the survival of the Everglades;

WHEREAS, the City of Hialeah (the "City") and Miami-Dade County entered into an agreement whereby the City is responsible for the construction and operation of a Floridan Aquifer Reverse Osmosis Water Treatment Plan within the City; and

WHEREAS, the City has developed a plan that will locate wells on various properties in proximity to the proposed Water Treatment Plant; and

WHEREAS, the State of Florida is the owner of certain properties that, due to their proximity to the proposed Water Treatment Plan, are desired to locate wells and infrastructure to serve the Water Treatment Plant; and

WHEREAS, a resolution of the City of Hialeah Florida is required in order to induce the Trustee of the Internal Improvement Trust Fund of the State of Florida to convey those certain lands, in perpetuity, to the City of Hialeah for the purpose of locating wells, water lines and other infrastructure that will be used to serve the new Water Treatment Plant and which will serve in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government.

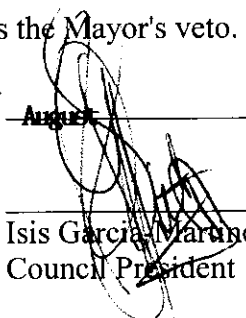
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

1. The forgoing recitals are incorporated herein and made a part hereof by reference as if fully set forth herein.

2. The City Council of the City of Hialeah, Florida hereby requests the Trustees of the Internal Improvement Trust Fund of the State of Florida (the "Trustees") to convey the portions of Tracts 31, 28 and 44 of The Florida Fruit Lands Company's Subdivision No. 1, as recorded in Plat Book 2, Page 17 of the Public Records of Miami-Dade County, Florida, all of which are located in Section 9, Township 52 South, Range 40 East, through lease, easement, deed or other instrument acceptable to the City and the Trustees.

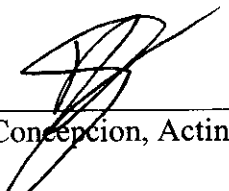
3. This resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

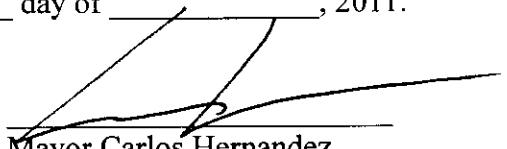
PASSED AND ADOPTED this 9th day of August, 2011.


Isis Garcia-Martinez
Council President

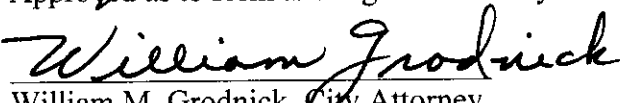
Attest:

Approved on this ____ day of _____, 2011.


David Concepcion, Acting City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Resolution was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Munoz, Cue-Fuente, Garcia-Martinez, Gonzalez and Yedra voting "Yes", Councilmember Hernandez abstained.